

**REMARKS**

Claims 2, 4 and 5 are pending in this application. For purposes of expedition, claims 1, 3 and 6-12 have been canceled without prejudice or disclaimer.

Claims 2, 4 and 5 have been conditionally allowed if rewritten in independent form to include all of the limitations of base claim 1 and intervening claim 3. The Examiner's indication of allowability of these claims is noted with appreciation. For purposes of expedition, claim 2 has been rewritten in independent form to include all limitations of base claim 1. Similarly, claims 4 and 5 have been rewritten in independent form to include all limitations of base claim 1 and intervening claim 3.

As a result, claims 2, 4 and 5 are now believed in condition for allowance.

The title of the invention has been objected to for failing to be sufficiently descriptive. A new title of –MAGNETIC DISK DRIVE HAVING FUNCTION FOR SUPPLYING LUBRICANT—is hereby submitted for the Examiner's consideration and entry.

Claims 1, 3 and 6-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Albrecht, U.S. Patent No. 5,200,867 in view of Stirnimann et al., U.S. Patent No. 6,190,749 for reasons stated on pages 2-3 of the Office Action (Paper No. 20040804). While Applicants disagree with the Examiner's characterization of Applicants' claims 1, 3 and 6-12 and the Examiner's analysis of Albrecht '867 and Stirnimann '749, these claims 1, 3 and 6-12 have been canceled without prejudice or disclaimer in favor of early allowance of claims 2, 4 and 5.

Lastly, FORM-1449 filed in the IDS filed on October 22, 2003, as attached with the Office Action (Paper No. 20040804), appears to have been noted as being incomplete because, according to the Examiner, Applicants have not provided a

physical copy of U.S. Patent No. 5,835,305 issued to Hamaguchi et al., and/or commented as to how Hamaguchi '305 is relevant to Applicants' disclosed invention. In response thereto, Applicants note that Hamaguchi '305 discloses a magnetic disk apparatus employing liquid bearing type or physical contact type magnetic head slider, and is not believed to be material to the patentability of Applicants' claims 2, 4 and 5, as now allowed in the instant application. However, Hamaguchi '305 was cited during the prosecution of Applicants' earlier parent application, Serial No. 09/897,401, now issued as U.S. Patent No. 6,665,147, and for purposes of completeness, was incorporated in the IDS filed on October 22, 2003. In view of the foregoing explanations, Applicants respectfully request that Hamaguchi '305 as presented on FORM-1449, filed on October 22, 2003 be initialized. A physical copy of Hamaguchi '305 is also enclosed for the Examiner's convenience.

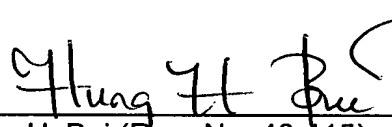
In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC area office at (703) 312-6600.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, No. 01-2135 (Application No. 503.40283CX2), and please credit any excess fees to said deposit account.

Respectfully submitted,

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By

  
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